

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/15/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMIE ABBAS,

Plaintiff,

-v-

OFFICER TATE,

Defendant.
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ORDER

20-CV-3636 (JGK) (JLC)

JAMES L. COTT, United States Magistrate Judge.

Plaintiff proceeding *pro se* commenced this case by filing a complaint on April 24, 2020 (Dkt. No. 1) with the mailing address of Mid-State Correctional Facility, P.O. Box 2500, Marcy, New York, 13403. By letter dated February 23, 2022 (Dkt. No. 41), counsel for defendant informed the Court that plaintiff was moved from the Mid-State Correctional Facility to the Upstate Correctional Facility. By order dated February 24, 2022 (Dkt. No. 42), the Court directed the Clerk to update plaintiff's address to Upstate Correctional Facility, 309 Bare Hill Road, Malone, New York, 12953. On November 28, 2022, the Court mailed a copy of an order (Dkt. No. 65) to plaintiff to that same address, and on December 12, 2022, it was returned to sender.

It appears that plaintiff may have moved to a different facility. If that is indeed the case, then he is obligated to update his address with the Court. Plaintiff is hereby directed to update his mailing address with the Court no later than **January 4, 2023**. Failure to do so may result in dismissal of this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See, e.g., Muhammad v. Newton*, No. 20-CV-8343 (VEC) (JLC), 2022 WL 619916, at *3

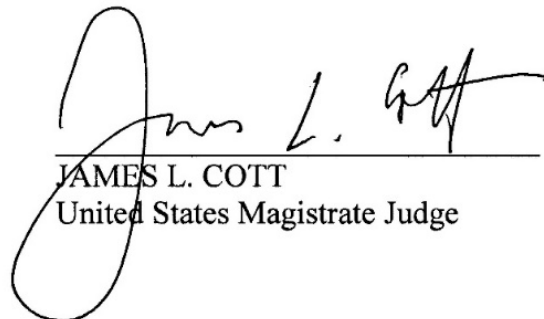
(S.D.N.Y. Mar. 3, 2022) (citing *Campbell v. New York City*, No. 19-CV-5431 (JMF), 2020 WL 469313, at *1 (S.D.N.Y. Jan. 29, 2020)) (*pro se* plaintiff's failure to provide mailing address may be grounds for dismissal), *adopted by* 2022 WL 1124849 (Apr. 14, 2022). This order is being sent to Elmira Correctional Facility, 1879 Davis Street, Elmira, New York, 14901, the facility at which plaintiff appears to be currently located according to the New York State Department of Corrections and Community Supervision Incarcerated Lookup website.

The Court further directs counsel for defendant to submit his motion papers to the new address provided by plaintiff for completeness and file proof of service on the docket no later than **January 11, 2023**.

The Clerk is respectfully directed to send a copy of this order to Samie Abbas, 18-A-3550, Elmira Correctional Facility, 1879 Davis Street, Elmira, New York, 14901.

SO ORDERED.

Dated: December 15, 2022
New York, New York



JAMES L. COTT
United States Magistrate Judge